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SIPDIS

SENSITIVE

DEPT FOR AF/E AND A/S FRAZER

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SUBJECT: SOMALIA - Agreement to Structure Unity Government and
Extend Mandate

REF: A) Nairobi 2673 B) Djibouti 945

¶1. (SBU) Summary: At the latest round of Djibouti Agreement talks on November 25, the moderate islamist Alliance for the Re-Liberation of Somalia (ARS) and the Transitional Federal Government (TFG) agreed on plans for a unity government. The text of their communique is in paragraph 5. The parties agreed to enlarge the parliament by 275 members (to 550) to include the ARS and members of civil society, the business community, and the diaspora, and agreed that this new parliament would elect new leadership for Somalia (to include a president and speaker). The parties also decided to extend the transitional period (which ends in fall 2009) by two years. Post believes that this outcome and the November 24 decisions made by the Joint Security Committee (Ref A) are positive developments in the Djibouti peace process. The Prime Minister's efforts to coordinate by telephone developments in the talks were rebuffed by President Yusuf. End summary.

Agreement Reached
Under Intense Pressure

¶2. (SBU) A communique charting the path to the creation of a TFG - ARS Unity government was signed late evening November 25 by Deputy Prime Minister Ahmed Abdisalam Adan (TFG) and Chairman of the ARS Delegation to the HLC Abdirahman Warsame. The signing had been scheduled for mid-afternoon November 25, but was delayed when Prime Minister Hassan "Nur Adde" Hussein, apparently under pressure from the Government of Ethiopia, attempted to backtrack on two of the provisions to which he had previously agreed. The provisions concerned the number of additional parliamentary seats to be given the ARS and the provisions calling for the scheduling of elections of a new leadership. Members of the HLC told us that Ethiopia urged Nur Adde to reduce the ARS number from 200 to 130, and to eliminate a provision calling for the elections of a new speaker and president.

¶3. (SBU) After intense negotiations late into the night and many phone calls, including to parliament speaker "Madobe," Nur Adde relented. (Note: According to discussions with the HLC's TFG members, the speaker received numerous calls urging his support for the language on election of a new government). Nur Adde made at least two efforts to inform TFG President Abdullahi Yusuf of progress in the negotiations. The Prime Minister told us that Yusuf refused to accept his telephone calls.

¶4. (SBU) The communique did not set a date by which the Unity government would be established, but stipulated that a working group

will develop proposals on the new unity structures within 30 days. We have encouraged all parties to move forward, as quickly as possible to stand up these key structures. The communique also does not include details on the process through which the new members of parliament will be selected, and whether the 4.5 formula for clan representation will be observed. (Note: Hawiyes dominate the ARS). It also does not outline how the parliament will elect a "new leadership." Though the posts of president and speaker were not specifically mentioned, both parties are proceeding under the assumption that new candidacies will be considered and that a newly-selected president will appoint a prime minister. Another critical element of the agreement is the extension of the transitional period (due to expire in October 2009) by two years. The Transitional Federal Charter would remain the guiding framework for this new unity Transitional Federal Government.

High-Level
Committee Communique

¶5. (U) The text of the November 25 communique follows:

Decisions of the High Level Committee
Djibouti Agreement
25 November, 2008
Djibouti

Building on the 26 October 2008 Joint Declaration, and encouraged by the spirit of unity prevailing at the peace talks, the Transitional Federal Government and the Alliance for the Re-liberation of Somalia

NAIROBI 00002681 002 OF 003

requested the United Nations Special Representative of the Secretary-General for Somalia, Ahmedou Ould-Abdallah, to state the following on their behalf:

¶1. The Parties thank the Somali people for their patience and support, and commend their determination in encouraging sustainable peace. They commit themselves to redouble their efforts towards achieving this goal on behalf of the people.

¶2. The Parties welcome the conclusions of the Workshop on Justice and Reconciliation including agreement to possibly establish a Commission of Inquiry and an international court to address violations of human rights and international law and impunity in their country. A joint working group has been established to follow up on the preparation of next year's conference on Justice and Reconciliation.

¶3. The Parties have agreed on a number of guiding principles as a framework to strengthen their commitments on political cooperation - particularly of the establishment of a Unity Government and an inclusive Parliament.

¶4. These include:

- Addressing impunity through the Unity Government;
- Establishing mechanisms that will place priority on ensuring accountability - politically, financially and morally - of the Unity Government and respecting recognized international legal instruments.

¶5. They agreed on the following proposals:

- To enlarge the Parliament by an extra 200 seats allocated to the Alliance for the Re-liberation of Somalia;
- An intention by the Parties to reach out to those who are outside the process as well as members of the civil society, including women and the business community, and the Diaspora. Seventy-five additional seats in the Parliament will be reserved to that end;
- That the new inclusive Parliament will have the responsibility to elect the new Leadership;
- The principle of responsible sharing of leadership positions will be adhered to;
- A two-year extension of the Transitional Period;
- All Agreements resulting from the process will be embedded as Amendments to the Transitional Federal Charter;

-- The establishment of a working group that will engage, under the facilitation of the United Nations, on details of the Unity structures and to submit proposals in 30 days to the next session of the High Level Committee.

¶6. The Parties reaffirm their grave concern over the recent acts of piracy.

[signed]

The United Nations Special Representative of the Secretary-General
for Somalia

Ahmed Abdisalaan Adan
Transitional Federal Government

Abdirahman A. Warsame
Alliance for the Re-liberation of Somalia

Witnessed by
Ahmedou Ould-Abdallah Hamud A. Suldan
United Nations Special Representative of the Secretary-General

Minister of Religious Affairs and WAQF
Government of Djibouti

End communique text.

Comment

¶6. (SBU) With al-Shabaab and other armed groups making rapid headway in Somalia, the HLC understood that it had to do something decisive and dramatic as this Djibouti round commenced. We see this move as a "Hail Mary" pass by the TFG and the ARS, who have proceeded more quickly than expected in reaching agreement on ARS representation in the Parliament and re-consideration of the

NAIROBI 00002681 003 OF 003

transitional leadership (Ref A). There is now a framework to replace Somalia's three top leaders and a mechanism to bring not only the ARS into the government but also those who have remained outside the Djibouti Process. Stakeholders have told us that if the United States is in full support, a Unity Government can succeed. Although the track record of both the TFG and the ARS leaves much to be desired, we agree that our strong support is critical now.

RANNEBERGER